

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 11/23/09 Monday Dept: 1A

(Posted 11/19/09)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CF8582 [M] CITIBANK SOUTH DAKOTA v MARIN
Type: COLLECTIONS Date Filed: 04/28/09
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: CITIBANK SOUTH DAKOTA NA ATTY: HUNT & HENRIQUES
DEFNDT: MARIN, SUSAN A

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 2/22/10.

2. **1:00 PM** Case: CF8829 [M] DISCOVER BANK v CHAVARRIA
Type: COLLECTIONS Date Filed: 09/09/09
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: DISCOVER BANK ATTY: MANN BRACKEN LLP
DEFNDT: CHAVARRIA, CYNTHIA A ATTY: FARLEY, PAUL F. ESQ.
Service Date/Type: 09/15/09 PER Answer Date: 10/22/09

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: ½ court trial.

3. **1:00 PM** Case: CV33257 [S] KENNEDY v FORTINO
Type: QUIET TITLE Date Filed: 12/06/06
Event: COURT'S MOTION TO DISMISS CRC 3.1385

PLF/XD: KENNEDY, HELEN L. ATTY: DUANE & SELTZER LLP
DEFNDT: ALBERT FORTINO CORPORATION ATTY: MCGRATH, JAMES A. ESQ
Service Date/Type: 00/00/00 Answer Date: 01/03/07
DEF/XC: FORTINO, ALBERT ATTY: MCGRATH, JAMES A. ESQ
Service Date/Type: 00/00/00 Answer Date: 01/03/07

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

4. 1:00 PM Case: CV33325 [S] THE TOYON PROJECT v NEITH
Type: PRELIMINARY INJUNCTION Date Filed: 01/04/07
Priority Info: CF7249 CLOSED 170.6 DVM
Event: FURTHER CASE MANAGEMENT CONF-CIVIL
170.6 DVM

PLF/XD: TOYON PROJECT LLC CA LMTD LIABILI ATTY: AIROLA & AIROLA
X/COMP: NEITH FAMILY TRUST ATTY: REEVE, BOB ESQ
DEF/XC: NEITH, DONALD A. ATTY: REEVE, BOB ESQ
Service Date/Type: 02/15/07 PRS Answer Date: 05/15/07
DEF/XC: NEITH, FRANK ATTY: WEISBERG, MICHAEL ESQ
Service Date/Type: 02/15/07 PRS Answer Date: 05/15/07
DEF/XC: NEITH, FRANCES M. ATTY: REEVE, BOB ESQ
Service Date/Type: 00/00/00 Answer Date: 05/15/07
X-DEFT SMITH, TERRY ATTY: AIROLA & AIROLA

Tentative Ruling: Plaintiff has filed a Notice of Settlement. The court vacates all future court hearings and sets the matter for Court's Motion to Dismiss pursuant to Cal Rules 3.1385 in Dept. 1A at 1:00 PM on 2/22/10.

5. 1:00 PM Case: CV33358 [S] POHL v WEBER
Type: BREACH OF CONTRACT Date Filed: 01/19/07
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385
11/24/09 10:00 1 TIM WEBER'S MOTION TO STRIKE ANSWER OF
X-DEFT TONY ROSTON FOR FAILURE TO APPEAR
AT CRT HRGS & TO COMPLY WITH DISC. ORDS

PLF/XD: POHL, WOLFGANG ATTY: KELLEY, W. PATRICK SR
DEF/XC: WEBER, TIM ATTY: MACOMBER, MICHAEL D. ESQ
Service Date/Type: 00/00/00 Answer Date: 06/12/07
DBA: T. WEBER CONSTRUCTION
X-DEFT ROSTON, TONY ATTY: IN PRO PER
Service Date/Type: 05/15/08 PER Answer Date: 08/01/08
DBA: A.J. ROSTON CONSTRUCTION

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 2/22/10.

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6. 1:00 PM Case: CV35277 [S] CASEY/KEATING v CASEY
Type: WRONGFUL DEATH - NMV Date Filed: 12/03/08
Event: TRIAL SETTING

12/01/09 10:00 1 ATTY BRIAN CHAVEZ-OCHOA'S MOTION TO BE
RELIEVED AS COUNSEL
12/01/09 10:00 1 PLAINTIFF'S MOTION FOR PREFERENTIAL
TRIAL DATE

Related cases on this calendar: CV35278 ,
Related cases NOT on this calendar: F3557 , CV35279 , PR6704 ,
PLNTFF: CASEY, DANIEL ATTY: MELEYCO, KENNETH N. ESQ
PLNTFF: KEATING, KIM ATTY: MELEYCO, KENNETH N. ESQ
DEFNDT: CASEY, JANET PEGGY ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 12/30/08 SUB Answer Date: 04/20/09

Tentative Ruling: There are pretrial motions pending. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 2/22/10.

7. 1:00 PM Case: CV35278 [S] KEATING v CASEY
Type: DAMAGES-NON TORT Date Filed: 12/03/08
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

12/01/09 10:00 1 ATTY BRIAN CHAVEZ-OCHOA'S MOTION TO BE
RELIEVED AS COUNSEL
12/01/09 10:00 1 PLAINTIFF'S MOTION FOR PREFERENTIAL
TRIAL DATE

Related cases on this calendar: CV35277 ,
Related cases NOT on this calendar: F3557 , CV35279 , PR6704 ,
PLNTFF: KEATING, KIM ATTY: MELEYCO, KENNETH N. ESQ
EXEC: EXECUTOR OF THE ESTATE OF FRAN
DEFNDT: CASEY, JANET PEGGY ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 12/30/08 SUB Answer Date: 10/16/09

Tentative Ruling: There are pretrial motions pending. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 2/22/10.

8. 1:00 PM Case: CV35598 [S] ELP ASSET MGMT LLC v HENRICH, ETAL
Type: REAL PROPERTY Date Filed: 04/01/09
At-Issue Date: 00/00/00 Trial: 03/10/10 COURT TRIAL - LONG CAUSE
Event: FURTHER CASE MANAGEMENT CONFERENCE
Event: CONTINUED OSC RE: FILING COMPLIANCE

VACATE IF ALL POS/ANSWERS ARE FILED
01/29/10 1:00 1A MANDATORY SETTLEMENT CONFERENCE-CIVIL
GRANT BARRETT, JUDGE PRO TEM
02/02/10 10:00 1 PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
03/09/10 11:00 1 TRIAL CONFIRMATION CONFERENCE
03/10/10 9:00 1 COURT TRIAL - CIVIL
HON JOHN E MARTIN

PLF/XD: ELP ASSET MANAGEMENT LLC ATTY: ROGERS WOLF VON BAEYER & HERH
ASSOC: MCDONOUGH HOLLAND & ALLEN PC
X/COMP: CHRISTIE, MARK ATTY: MARTINEZ BUSINESS AND IMMIGRA
Service Date/Type: 04/22/09 SUB Answer Date: 06/23/09
TRSTE MARGUERITE K. THOMPSON TRUST,

X/COMP: HEIST, CARRIE	ATTY: MARTINEZ BUSINESS AND IMMIGRA
Service Date/Type: 04/19/09 PER	Answer Date: 06/23/09
TRSTE MARGUERITE K. THOMPSON TRUST,	
X/COMP: THOMPSON TRUST, MARGUERITE K.	ATTY: MARTINEZ BUSINESS AND IMMIGRA
Service Date/Type: 04/22/09 SUB	00/00/00
RP/INT: THOMPSON TRUST, MARGUERITE K	
X/COMP: LOOMIS LAND COMPANY INC	ATTY: MARTINEZ BUSINESS AND IMMIGRA
Service Date/Type: 00/00/00	Answer Date: 06/23/09
DEFNDT: ABI-ALI, RICHARD	
Service Date/Type: 06/03/09 PUB	00/00/00
DEFNDT: GIORDANO, BERNARD	
Service Date/Type: 06/03/09 PUB	00/00/00
DEFNDT: MERCHANT, BYRON L.	
Service Date/Type: 06/03/09 PUB	00/00/00
DEFNDT: INGRAHAM, GARY	ATTY: DONOVAN, MICHAEL J. ESQ.
Service Date/Type: 04/30/09 SUB	Answer Date: 05/28/09
DEFNDT: INGRAHAM, JO E	ATTY: DONOVAN, MICHAEL J. ESQ.
Service Date/Type: 04/24/09 PER	Answer Date: 05/28/09
DEF/XC: DE LA CRUZ, MARIA	ATTY: MARTINEZ BUSINESS AND IMMIGRA
Service Date/Type: 04/14/09 PER	Answer Date: 06/04/09
DEF/XC: CHRISTIE, SHIRLEY	ATTY: MARTINEZ BUSINESS AND IMMIGRA
Service Date/Type: 04/16/09 PER	Answer Date: 06/23/09
DF/X-D: HENRICHS, ROBERT	ATTY: HANKS LAW OFFICE, MICHAEL L.
Service Date/Type: 04/14/09 PER	Answer Date: 06/05/09
DF/X-D: RAH INVESTMENTS INC.	ATTY: HANKS LAW OFFICE, MICHAEL L.
Service Date/Type: 04/14/09 PER	Answer Date: 06/05/09
DF/X-D: BLACKSTONE PARTNERS DEVELOPMENT 1	ATTY: HANKS LAW OFFICE, MICHAEL L.
Service Date/Type: 04/14/09 PER	Answer Date: 06/05/09
DF/X-D: MODESTO SIERRA PARTNERS LLC	
Service Date/Type: 04/16/09 PER	00/00/00
DF/X-D: CALAVERAS SIERRA PARTNERS 1 LP	
Service Date/Type: 04/14/09 PER	00/00/00
DF/X-D: RAH DEVELOPMENT LLC	ATTY: HANKS LAW OFFICE, MICHAEL L.
Service Date/Type: 04/14/09 PER	Answer Date: 06/05/09
DF/X-D: BLUE SUMMITS LAND CAPITAL INC.	
Service Date/Type: 04/16/09	00/00/00
X-DEFT THOMAS, ALBERT	
X-DEFT BIXBY INVESTMENTS LLC	
X-DEFT PERSHING GROVE	
X-DEFT PRICHARD, ERIKA	
X-DEFT ELP INVESTMENTS LLP	

Tentative Ruling: Trial dates on the bifurcated Complaint are confirmed. The matter is not At-Issue on the Cross-Complaint and the matter is set for further Case Management. By the next CMC, unless all cross-defendants have filed responsive pleadings, cross-complainant is ordered to file defaults or dismissals of all cross-defendants. The CMC is set for Dept 1A at 1:00 PM on 3/22/10.

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9. 1:00 PM Case: CV35667 [S] CLAUDINO v COUNTY OF CALAVERAS
Type: BREACH OF CONTRACT Date Filed: 04/28/09
Priority Info: 170.3 JEM
Event: FURTHER CASE MANAGEMENT CONFERENCE
170.3 JEM

PLNTFF: CLAUDINO, ALAN W ATTY: FOLEY LAW OFFICES, KENNETH M.
DEFNDT: COUNTY OF CALAVERAS C.C.: CALAVERAS COUNTY COUNSEL
Service Date/Type: 05/04/09 PER 00/00/00

Tentative Ruling: No amended Complaint was filed after the demurrer to the first cause of action was sustained. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 2/22/10.

10. 1:00 PM Case: CV35860 [S] PNC BANK NA v SHERMAN
Type: DEBT/COLLECTIONS Date Filed: 06/29/09
Event: CASE MANAGEMENT CONFERENCE-CIVIL
Event: CONTINUED OSC RE: FILING COMPLIANCE

PLNTFF: PNC BANK NA ATTY: NELSON & KENNARD
DEFNDT: SHERMAN, JAMES R

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 3/22/10.

11. 1:00 PM Case: CV35862 [S] WEINER v PLACER TITLE CO.
Type: REAL PROPERTY Date Filed: 07/01/09
Event: CASE MANAGEMENT CONFERENCE-CIVIL
Event: CONTINUED OSC RE: FILING COMPLIANCE

Related cases NOT on this calendar: CV35141 ,
PLNTFF: INDIAN VILLAGE ESTATES LLC ATTY: THOMAS & ASSOCIATES
TRSTEE: WEINER, MARK ATTY: THOMAS & ASSOCIATES
DEFNDT: PLACER TITLE COMPANY
Service Date/Type: 08/19/09 NAR 00/00/00
DEFNDT: STERLING TITLE COMPANY
DEFNDT: WESTWIND DEVELOPMENT INC. ATTY: WEISBERG, MICHAEL ESQ
Service Date/Type: 00/00/00 Answer Date: 08/24/09
DEFNDT: WOOLWORTH, A. R. ATTY: WEISBERG, MICHAEL ESQ
Service Date/Type: 00/00/00 Answer Date: 08/24/09
RP/INT: ELIAS GREENBERG TRUST ATTY: THOMAS & ASSOCIATES

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 2/22/10.

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12. 1:30 PM Case: CV31726 [S] DRAKE v DRAKE
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/02/05
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: DRAKE, DANIEL E. ATTY: IN PRO PER
RESP: DRAKE, LYRA R. ATTY: IN PRO PER
Service Date/Type: 06/09/05 PER Answer Date: 06/27/05
NKA: ALMA, LYRA

Tentative Ruling: It appears all contested issues have been concluded but no final judgment is on file. If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/22/10.

13. 1:30 PM Case: CV32677 [S] MANN v MANN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/17/06
Event: FURTHER CASE MANAGEMENT CONF RE JUDGMENT

Related cases NOT on this calendar: CV32487 ,
PETNR: MANN, SHAWNA ATTY: IN PRO PER
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
RESP: MANN, DENNIS ATTY: SALAZAR, ANTHONY T. ESQ
Service Date/Type: 00/00/00 Answer Date: 06/19/06

Tentative Ruling: It appears all contested issues have been concluded but no final judgment is on file. If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/22/10.

14. 1:30 PM Case: CV33689 [S] SCHUMMER v SCHUMMER
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 05/01/07
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: SCHUMMER, CYNTHIA J. ATTY: FOYIL, DAVID ESQ
RESP: SCHUMMER, DAVID F. ATTY: CILENTI, STEVEN ESQ
Service Date/Type: 06/05/07 NAR Answer Date: 11/13/07

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/22/10.

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15. 1:30 PM Case: CV35060 [S] RITCHEY v PRUIT
Type: NULLITY WITHOUT MINOR CHILDREN Date Filed: 09/10/08
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases NOT on this calendar: C13136 , CV34519 ,
PETNR: RITCHEY, ROBIN ATTY: IN PRO PER
RESP: PRUIT, JAMES
Service Date/Type: 09/10/08 PER 00/00/00

Tentative Ruling: Petitioner is instructed to file a Second Amended Petition alleging "Dissolution of Marriage" not Nullity. Her request for nullity was heard and denied. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/22/10.

16. 1:30 PM Case: CV35085 [S] AXIAK v AXIAK
Type: LEGAL SEPARATION WITHOUT MINOR Date Filed: 09/19/08
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: AXIAK, BETTE LEE ATTY: TEST, E. ALLEN ESQ
RESP: AXIAK, MICHAEL A ATTY: TRIFILO, JOHN J. ESQ
Service Date/Type: 09/22/08 PER Answer Date: 10/03/08

Tentative Ruling: Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/22/10.

17. 1:30 PM Case: CV35087 [S] HARWELL v HARWELL
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 09/22/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: HARWELL, PEGGY ATTY: TEST, E. ALLEN ESQ
RESP: HARWELL, JEFFERY B
Service Date/Type: 10/31/08 PER 00/00/00

Tentative Ruling: If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/22/10.

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18. 1:30 PM Case: CV35648 [S] PIPER v PIPER
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 04/22/09
At-Issue Date: 00/00/00 Trial: 10/01/09 COURT TRIAL - LONG CAUSE
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases NOT on this calendar: CV35634 ,
PETNR: PIPER, KIMBERLY ATTY: IN PRO PER
RESP: PIPER, DONALD C. ATTY: SALAZAR, ANTHONY T. ESQ
Service Date/Type: 05/26/09 PER Answer Date: 06/19/09

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Preliminary and Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/22/10.

19. 1:30 PM Case: CV35658 [S] THOMAS v THOMAS
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 04/23/09
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: THOMAS, ANDREW M ATTY: TEST, E. ALLEN ESQ
RESP: THOMAS, PAMELA M ATTY: CALDERWOOD, BRUCE G ESQ
Service Date/Type: 05/06/09 NAR Answer Date: 09/22/09

Tentative Ruling: Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/22/10.

20. **2:30 PM** Case: CV34689 [S] MCMILLIAN v MCMILLIAN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/12/08
At-Issue Date: 00/00/00 Trial: 08/20/09 COURT TRIAL - SHORT CAUSE
Priority Info: STATUS ONLY, MSE 08-20-09
Event: SETTLEMENT CONFERENC/TRIAL SETTING ON
REMAINING ISSUES

PETNR: MCMILLIAN, KIM M. ATTY: FOLEY LAW OFFICES, KENNETH M.
NKA: BRISCOE, KIM MICHELLE
MINOR: MCMILLIAN MINOR P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: MCMILLIAN, JACK W. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 05/24/08 PER Answer Date: 05/30/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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21. 2:30 PM Case: CV35307 [S] TUNQUIST v TUNQUIST
Type: LEGAL SEPARATION WITH MINOR CH Date Filed: 12/10/08
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE
GRANT V. BARRETT, JUDGE PRO TEM

Related cases NOT on this calendar: CV35166 ,
PETNR: TUNQUIST, LOUISE K. ATTY: AIROLA & AIROLA
RESP: TUNQUIST, CHARLES C. ATTY: BECHELLI LAW OFFICES, F. JOSE
Service Date/Type: 01/02/09 PER Answer Date: 01/12/09

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

22. 2:30 PM Case: CV35499 [S] KARR v SANTOS
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 02/19/09
Priority Info: CONFIDENTIAL FILE
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE

Related cases NOT on this calendar: CV33490 ,
PETNR: KARR, BENJAMIN ATTY: IN PRO PER
RESP: SANTOS, TANYA ATTY: CHAVEZ-OCCHOA LAW OFFICES INC.
Service Date/Type: 02/20/09 PER Answer Date: 09/04/09

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

For: 11/26/2009 Thursday & 11/27/09 Friday, the Court will be closed in observance of Thanksgiving.
